

REMARKS

The Examiner has rejected claims 1, 2, 5, 8, 11, 13, 16, 37 and 38 under 35 U.S.C. § 102(b) as anticipated by Binard (U.S. 3,858,572). The Examiner also has rejected claims 30, 32 33, 39 and 40 under 35 U.S.C. § 103(a) as unpatentable over Binard in view of Zander (U.S. 6,299,592). Claims 3, 4 and 6 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Binard in view of Jaffe (U.S. 2002/0059933). Claim 7 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Binard in view of Jaffe and in further view of Lucey (U.S. 6,042,573). Claim 8 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Binard in view of Lucey. Claims 9 and 10 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Binard in view of Ott (6,068,609). Claim 31 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Binard in view of Zander and in further view of Ott. Claims 12, 14 and 15 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Binard. Applicant respectfully traverses these rejections. Claims 1, 30 and 37 are independent claims from which the other claims depend.

As noted above, claims 1, 2, 5, 8, 11, 13, 16, 37 and 38 have been rejected under 35 U.S.C. § 102(b) as anticipated by Binard. Independent claims 1 and 37 have been amended so that a second end of the first tube is attached to a first end of the pair of tubes via an adapter. Binard fails to disclose such an element and instead, Figure 1 shows that the “first tube” 86 (using the terminology adopted by the Examiner) and the pair of tubes 88a, 88b, are directly connected. In contrast, the adapter of the present claims allows tubes of differing inner diameters to be used together without have to be concerned with an incompatible fit between the tubes such that leakage or other undesirable effects may occur.

Because Binard fails to disclose each and every element of the claims, withdrawal of these rejections is requested. Claims 2, 5, 8, 11, 13, 16, and 38 depend from claims 1 and 37 and therefore are allowable for at least the same reasons as claims 1 and 37.

Claims 30, 32, 33, 39 and 40 have been rejected 35 U.S.C. § 103(a) as unpatentable over Binard in view of Zander. With respect to independent claim 30, Binard fails to disclose the claimed spike port, which is opened when the spiked port is pierced (see specification, paragraph [0033]). At most, Binard discloses a penetrating means, which refers to the penetration of the

patient's body for introducing gas (see Binard, col. 3, lines 9-10) and is disclosed as being a needle of catheter (Binard, col. 4, lines 30-34). Binard does not teach the use of a spike port, and the Examiner has not pointed to where this component may be found. Therefore, withdrawal of this rejection is respectfully requested. Claims 32 and 33 depend from claim 30 and therefore are allowable for at least the same reasons as claim 30. Claims 39 and 40 depend from claim 1 and therefore are allowable for the reasons provided above with respect to claim 1.

With respect to the remaining claims, the Examiner has issued additional, numerous rejections under 35 U.S.C. § 103(a). Because all of the claims depend from claims 1, 30 or 37, which, as demonstrated above are allowable, the rejections of these claims have been mooted.

SUMMARY

Pending Claims 1-16, 30-33 and 37-40 as amended are patentable. Applicant respectfully requests the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,


Anastasia Heffner
Anastasia Heffner
Registration No. 47,638
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200